

REMARKS

The present Office Action addresses and rejects claims 1-7. Applicants respectfully request reconsideration in view of the amendments and remarks herein.

Amendments to the Specification

Applicants amend the specification to correct typographical errors and to include reference characters for all numbered elements in the drawings. The amendments add no new matter to the disclosure.

Amendments to the Claims

Applicants amend claims 2, 6, and 7 to reflect proper antecedent basis from amended claim 1. No new matter is added.

Rejections Pursuant to 35 U.S.C. § 102

Claims 1 and 3-7 are rejected pursuant to 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 4,649,918 ("Pegg"). Applicants respectfully disagree.

Independent claim 1 recites an apparatus for harvesting plugs from bone tissue that includes a tube having at least one recess adjacent the distal end that extends at least part way from an inner surface of the tube to an outer surface of the tube. Pegg does not teach or suggest a tube having at least one recess adjacent the distal end that extends at least part way from an inner surface of the tube, as required by claim 1. The only "recess" formed in Pegg is the second bore 32, however the bore 32 is located in the proximal end of the tool. It is not adjacent the distal end. Pegg therefore fails to anticipate claim 1, and thus claim 1, as well as claims 3-7 which depend on claim 1, are distinguishable over Pegg and represent allowable subject matter.

Rejections Pursuant to 35 U.S.C. § 103

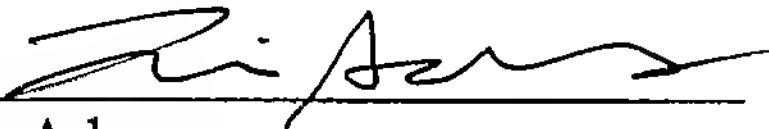
Claim 2 is rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Pegg in view of U.S. Patent No. 4,142,517 ("Stavropoulos"). As explained above, Pegg fails to teach the claimed apparatus having a recess adjacent the distal end of the tube. Stavropoulos does not remedy the deficiencies of Pegg because Stavropoulos likewise fails to teach the claimed recess. Accordingly, claim 2 is allowable at least because it depends from an allowable base claim.

Conclusion

Applicants submit that all claims are in condition for allowance, and allowance thereof is respectfully requested. Amendment of the claims does not constitute a concession that the claims are not allowable in their unamended form. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

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